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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.)
)
CHRIS CARIGNAN,)
)
Defendant.)
_____)

No. CR 15-00003 VC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE MOTION
HEARING AND FOR EXCLUDING
TIME UNDER 18 U.S.C. § 3161**

The parties in this case stipulate to Defendant's request for additional time to file his motion to suppress evidence. The purpose of the request is to allow the defendant and his counsel time to communicate about the final motion and accompanying declarations. The government has no opposition to the defendant's request for additional time, and does not request additional time to file the response at this juncture. Accordingly, defendant's request would not alter the existing briefing schedule or hearing date.

Accordingly, were the Court to grant the request, the briefing schedule would be altered as to the opening motion only:

Motion Due:	June 11, 2015
Response Due:	July 7, 2015 (UNCHANGED)
Reply Due:	July 14, 2015 (UNCHANGED)
Motion Hearing:	July 21, 2015 at 1:00 PM (UNCHANGED)

1 The parties concur that granting the exclusion of time between June 9, 2015 and June 11,
 2 2015 would allow the reasonable time necessary for effective preparation of counsel. *See* 18
 3 U.S.C. § 3161(h)(7)(B)(iv). The parties also agree that the ends of justice served by granting
 4 such an exclusion of time up until the motion filing date for the purposes of effective preparation
 5 of counsel and the defense outweigh the best interests of the public and the defendant in a speedy
 6 trial. 18 U.S.C. § 3161(h)(7)(A). The parties further agree that pursuant to 18 U.S.C. §
 7 3161(h)(1)(D), time will automatically be excluded from June 11 through July 21, 2015 because
 8 the motion to suppress will be pending before the Court.

9 Accordingly, due to the reasons stated above, the parties jointly move to continue the date
 10 that the opening brief is due on Defendant's Motion to Suppress from June 9, 2015 to June 11,
 11 2015 and that the briefing schedule be ordered by the Court as stipulated above. The parties
 12 further agree that it is appropriate that time be excluded from June 9, 2015 to June 11, 2015 to
 13 allow for the effective preparation of counsel.

14 IT IS SO STIPULATED:

15 MELINDA HAAG
 16 United States Attorney

17 DATED: June 9, 2015

18 /s/ Sheila Armbrust
 19 SHEILA ARMBRUST
 20 Assistant United States Attorney

21 DATED: June 9, 2015

22 /s/ Elizabeth Falk
 23 ELIZABETH FALK
 24 Assistant Federal Public Defender
 25 Attorney for Defendant Chris Carignan
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 27
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~~PROPOSED~~ ORDER

For the reasons stated above, the Court hereby CONTINUES the due date for the opening motion from June 9, 2015, to June 11, 2015. All other due dates for the responsive briefing, as well as the motion hearing date of July 21, 2015, shall remain unchanged. The Court further finds that the exclusion from the time limits of this period applicable under 18 U.S.C. § 3161 is warranted from June 9, 2015, to June 11, 2015, and holds that the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. The Court further finds that denying the requested exclusion of time would deprive the defendant effective preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). Between June 11 and July 21, 2015, this Court concurs that time is automatically excluded to allow the Court to review and rule on a pending motion. *See* 18 USC § 3161(h)(1)(D).

IT IS SO ORDERED.

DATED: June 9, 2015



VINCE CHHABRIA
United States District Judge